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8 UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 PHILIP O EMIABATA,

11 Plaintiff,

12 v.

13 THE BANK OF NEW YORK  
14 MELLON TRUST COMPANY NA, et  
al.,

15 Defendants.  
16

CASE NO. C18-1571 MJP

ORDER ON MOTION FOR IN  
FORMA PAUPERIS STATUS ON  
APPEAL

17 On February 21, 2019, this Court entered an Order of Dismissal in the above-entitled  
18 matter. (Dkt. No. 12.) Plaintiff had been given an opportunity to respond to an Order to Show  
19 Cause (Dkt. No. 8) and explain his bases for subject matter jurisdiction and venue and failed to  
20 do so, leaving the Court with no alternative but to terminate his lawsuit.

21 On March 11, 2019, Plaintiff filed a Notice of Appeal to the Ninth Circuit (Dkt. No. 15),  
22 along with a Motion In Forma Pauperis (Dkt. No. 16) requesting to be allowed to continue his  
23 IFP status while prosecuting his appeal. In that motion, he cites FRAP 24(a)(3) as grounds for  
24 granting the motion. FRAP 24(a)(3) ("Proceeding In Forma Pauperis/Leave to Proceed In

1 Forma Pauperis”) states that, if the party was granted IFP status in district court (which Plaintiff  
2 was) he may proceed on appeal IFP unless "the district court -- before or after the notice of  
3 appeal is filed -- certifies that the appeal is not taken in good faith." FRAP 24(a)(3)(A).

4 The Court asserts in no uncertain terms that this appeal is not taken in good faith. The  
5 Order to Show Cause issued in December 2018 laid out, in simple terms with clear references to  
6 case documents and federal statutes, its doubts about whether subject matter jurisdiction existed  
7 and whether the Western District of Washington was the appropriate venue for Plaintiff (a  
8 Texas resident) to sue corporations headquartered in Colorado, Pennsylvania, and Arizona.  
9 (Dkt. No. 16 at 2.) Plaintiff was given three weeks to file a response. He filed nothing. The  
10 Court fails to see how his appeal is any more meritorious than the lawsuit itself.

11 This Court hereby certifies that the appeal of this matter is not taken in good faith, and  
12 the motion to be granted IFP status on appeal is DENIED.

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15 In accordance with FRAP 24(a)(4), the clerk is ordered to provide copies of this order to  
16 Plaintiff (by mail, return receipt requested) and to the Ninth Circuit Court of Appeals.

17 Dated March 14, 2019.

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20 Marsha J. Pechman  
21 United States Senior District Judge  
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